

# **EXHIBIT 4**

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE

1615 M STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20036-3215

—  
(202) 326-7900

FACSIMILE:

(202) 326-7999

March 20, 2019

Robert E. Entwistle  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, IL 60606

Dear Robert:

I write on behalf of Cox Automotive in response to your March 19, 2019 letter.

**Data Syndication:** Cox Automotive reviewed documents according to the search terms, custodians, and date ranges that the parties agreed to and produced documents responsive to RFP Nos. 45, 69-71, 85-86. I confirm that I intended to reference RFP Nos. 85-86 and not RFP Nos. 95-96.

**DMS Access:** Cox Automotive produced documents relating to Cox Automotive's access to CDK's DMS according to the search terms, custodians, and date ranges that contained relevant information (as agreed between the parties and reflected in several letters) and that were responsive to CDK's RFPs. By saying that Cox Automotive did not "intentionally withhold" documents falling within those parameters, the letter means that Cox Automotive is not aware of any such documents.

**Data License Agreement:** As my March 14, 2019 letter explains, Cox Automotive is not aware of any RFP that requests documents relating to the Data License Agreement. We again request that CDK indicate to which RFP these documents would be responsive. Moreover, CDK's most recent request in its March 19, 2019 letter is not meaningfully different than the request in CDK's March 6, 2019 letter seeking "all" documents related to CDK's counterclaim regarding the Data License Agreement. CDK now seeks documents relating to Cox Automotive's negotiation of and performance under the agreement. It is difficult to see how that is any different than requesting "all" documents relating to the agreement. Putting aside the apparent lack of any RFP seeking these documents and the untimeliness of this request, CDK's requested discovery is vastly disproportional to the amount in controversy for this counterclaim (which is some tiny fraction of \$7.5M). Nor is CDK's request that these documents be produced within two weeks reasonable, especially given the untimeliness of CDK's request.

**Financial data:** Cox Automotive is endeavoring to produce any additional financial data for Kelley Blue Book, Autotrader, and Dealer.com and any additional DMS switching data that it

Robert E. Entwistle  
March 20, 2019  
Page 2

can locate as soon as it can. With respect to CDK's request for Cox Automotive to produce the "data requested on a dealer by dealer basis . . . which are sufficient to show this information," as my March 14, 2019 letter explains, Cox Automotive's understanding is that it has provided the data that CDK seeks. If CDK believes there is something missing, please identify it with specificity.

**Document extensions:** Cox Automotive will investigate this issue.

Sincerely,

*/s/ Daniel V. Dorris*

Daniel V. Dorris

CC: MDL Counsel Email List